TOWN OF Herndon VIRGINIA

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HERNDON TOWN COUNCIL
Work Session
Tuesday, December 1, 2020

Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor's Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Merkel has stated that the December 1, 2020 Herndon Town Council Work Session would be by electronic means. The meeting was broadcast and recorded through Cisco Webex and details for the meeting were made available to the public on Wednesday, November 25, 2020. In attendance electronically were:

- Mayor Lisa C. Merkel, presiding;
- Vice Mayor Sheila A. Olem;
- Councilmember Jennifer K. Baker;
- Councilmember Cesar del Aguila;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs; and
- Councilmember Bill McKenna.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Jennie Tripoli, Director of Finance; Lisa Gilleran, Director of Community Development; Michael Wallick, Transportation Planner; David Stromberg, Zoning Administrator; Mark Duceman, Transportation Program Manager; and Margie C. Tacci, Deputy Town Clerk.

ANNOUNCEMENTS

The Deputy Town Clerk welcomed those listening to the December 1, 2020 work session and stated that night's regularly scheduled Herndon Town Council meeting was a virtual meeting, which was being conducted electronically pursuant to:

- Virginia Code Section 2.2-3708.2, as amended;
- the Governor's Executive Orders, as amended; and
- in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.

- Proper notice of the electronic meeting was provided in accordance with the Code of Virginia;
- Agenda and meeting materials, along with information for viewing the meeting and submitting comments for the record are available on the town's website; and
- Electronic meetings will begin with a roll call to determine a quorum and all votes, including adjournment, will be by roll call vote.

CALL TO ORDER

1. Roll Call & Confirmation of Quorum

Mayor Merkel called the December 1, 2020, work session to order at 7:00 p.m. and asked the Deputy Town Clerk to call the roll for attendance. Mayor Merkel asked each Councilmember to respond by clearly stating their name and indicating they were present.

Following the roll call for attendance, Mayor Merkel confirmed there was an electronic quorum present that evening. All members were present electronically, with Mayor Merkel presiding. As the Deputy Town Clerk had stated, the meeting that evening was being conducted pursuant to the appropriate laws associated with the COVID-19 pandemic disaster.

2. Comments from the Town Manager

Mayor Merkel recognized the Town Manager for comments.

The Town Manager stated the numbers of COVID-19 cases in the northern Virginia region and in Fairfax County were continuing to rise, which included an increase in the percent positivity rate and emergency room visits. He stated that the trends were moving toward the numbers that were present this past spring. While hospitalizations and deaths had not risen, those are lagging indicators and health officials were not sure how those numbers would be impacted in the coming weeks. Long-term care facilities were also not seeing the same outbreaks as they were in early spring, which was due to strict mitigation efforts and spot checks from the Fairfax County Health Department.

The Town Manager stated that while the town was seeing an increase in positive COVID cases among staff, it did not appear that workplace exposures were a matter at that time. According to the health department, the cases among staff were originating outside the workplace and it was not spreading at work. He reviewed the town's contact tracing and protocol that is followed if a staff member is exposed to COVID, which he had also provided in a video sent to the Council.

He stated that Dr. Gloria Addo-Ayensu, Fairfax County Health Department, reiterated personal responsibility, which included not holding gatherings, wearing masks, and social distancing. However, the message was getting old and the Town Manager stated that some were losing their discipline. This was greatly affecting healthcare workers who were working tirelessly battling the virus, but not everyone was taking it seriously.

He stated that Dr. Gloria also mentioned at a meeting on November 13 that masks seemed to make a difference and were driving milder disease, especially among the healthy. This was also baring out for what he was seeing among town staff, where the cases had generally been mild or asymptomatic.

During a call with the Northern Virginia Regional Commission (NVRC) Mayors and Chairs, where Mayor Merkel also participated, the vaccination process was discussed. The Town Manager stated that pharmaceutical companies did not take shortcuts on vaccine testing. He stated that because the federal government infused all the money up front, the companies did not have to wait after each round of testing to do financial assessment, which allowed them to go from one testing regimen to the next. He reviewed the vaccines from Pfizer and Moderna, stating that the Pfizer vaccine should be in limited availability by the end of the year and mainly for healthcare workers. Next, it could be given to first responders and those in long-term care facilities. Moderna also submitted an emergency declaration to develop vaccine, which would hopefully be reviewed later in December.

The Town Manger stated that officials were looking toward the end of the second quarter of next year for more widespread vaccination amongst the public. He

stated there would also be an issue with messaging in that many are resistant to taking vaccines, especially those that had been fast-tracked. His message to the town was that safety was not compromised.

The Town Manager would have more information following another immunization call that Thursday with Dr. Gloria which would include additional information from the county. The Acting Deputy Town Manager would be participating in the call.

Questions from Council

Mayor Merkel stated that the biggest takeaway from the NVRC Mayors and Chairs call was that safety issues with the vaccine were not a concern. She stated that explaining the federal funding piece was important to understanding the shortened turnaround.

In response to queries from Councilmember McKenna, the Town Manager stated he was not privy to any forecasting models for December 15. He stated the keys were to keep the hospitalizations low, keep the flu rates low, and continue to wash hands, social distance, and make employees feel comfortable not coming into work if they were sick.

Mayor Merkel stated that Dr. Goodfriend from the Loudoun County Health Department had shared the convention wisdom among his peers that December would be worse than November, and January would be worse than December.

Councilmember McKenna stated that the simulations for the coming weeks were not looking good based on the numbers of positive COVID cases. He asked about the percentage of the population that would be vaccinated in the first round.

The Town Manager reiterated that widespread distribution would not occur until late second quarter the next year. He stated that 7.6 percent of the available vaccines were going to be coming to Virginia, which was not as large as one would think. The number would be under 100,000 vaccines in the first round.

Councilmember McKenna stated that Virginia had a high percentage of vaccines expected. He stated the rest of the states were expecting to receive vaccines to first cover between three and 6.5 percent of the population, which would not even cover all the first responders. He wanted to note this fact for those listening.

The Town Manager stated that Councilmember McKenna's concerns were apparent to the head of the vaccination program, in Richmond, who advised that they needed to have the Moderna vaccine available and that logistical elements beyond the distribution were going to be a challenge. State and county health

officials were looking at how to incorporate drug stores and other care providers into the later rounds of distribution. He restated that the first rounds would be very limited to highest-risk groups.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Merkel asked the Deputy Town Clerk whether she had received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda, and the Deputy Town Clerk stated that she had not received any comments or any transactional disclosures for that evening's meeting.

PRESENTATION

3. Presentation of the Town's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2020 (by Brown Edwards and Company, LLP, Certified Public Accountants).

Mayor Merkel asked if staff had anything to share on this presentation for this evening.

The Town Manager stated that staff and the town's auditors would have a presentation for next week's meeting.

PUBLIC HEARINGS

4. Resolution 20-G-56, to consider Special Exception SE #20-02, 900 Ballou Street, to permit a secondary kitchen in a single-family residence in an R-15, Residential Single-Family District. Fairfax County Tax Map Reference Number: 0104 05 0035B. Applicant: Mohan Uprety. Property Owners: Mohan K. Uprety and Laxmi P. Uprety.

Mayor Merkel recognized the Transportation Planner for the staff report. She stated that the Director of Community Development and the Zoning Administrator would also be available for questions on this item.

The Transportation Planner presented the staff report and PowerPoint, dated December 1, 2020, which are on file in the Town Clerk's office. The proposed resolution would permit a secondary kitchen within a new residence. He reviewed the location on both the Zoning Map and the 2030 Comprehensive Plan Map and went over the existing dwelling and the accessory food preparatory area types. The Transportation Planner presented the proposed changes for the single-family dwelling. Staff recommended approval of this resolution with the proposed conditions, as presented.

There was brief discussion amongst Council and staff on this item.

There was a brief question and answer discussion period between Councilmember Friedrichs and the Transportation Planner about what would occur if the owners sold the property.

Councilmember Dhakal echoed Councilmember Friedrichs' questions about how the kitchen would be removed if the property owner sold the house. The Transportation Planner recognized the Zoning Administrator for comments.

The Zoning Administrator outlined the process for converting the second kitchen to an allowable use in the zoning ordinance. He stated that the homeowner would have to remove stove and potentially remove additional elements related to using either gas or electric appliances. If future property owners had a reason for the second kitchen, they would also have to go through the special exception process.

Councilmember del Aguila and Mayor Merkel both questioned the square footage proposed for the new home to be built on the property.

The Zoning Administrator stated that the town cannot limit the maximum size or put a direct cap on a house. The town could regulate the property size indirectly, by requiring setbacks and limiting the height and lot area. He stated that the building maximum size in the zoning district was twenty-five percent of the lot.

Responding to queries from Councilmember del Aguila, the Zoning Administrator stated that the home was located just east of the historic district and staff could provide that on a map for next week's public hearing.

Responding to queries from Mayor Merkel, the Zoning Administrator clarified that the size of the house proposed to be built on this lot was not part of the special exception application. He also stated that the town would have a little more control if the home were in the historic district, which this property was not. He emphasized that the town could not limit the massing in the R-10 and R-15 zoning districts.

Responding to further queries from Mayor Merkel about public input, the Transportation Planner stated that three or four members of the public spoke at the Planning Commission's public hearing and expressed concerns over the parking and related to the general upkeep of the property.

The Director of Community Development briefly reviewed the concerns expressed at the Planning Commission's public hearing over the existing property, which was currently being rented out.

There was further discussion amongst Council and staff.

There was a brief question and answer session between Councilmember Baker, the Transportation Planner, and the Zoning Administrator about the existing property, the proposed structure, and the location of the two kitchens.

There was a brief question and answer session between Vice Mayor Olem, the Transportation Planner, and the Zoning Administrator about the R-10 and R-15 zoning districts and conditions for accessory dwelling units and secondary kitchens. The Zoning Administrator confirmed that the property owners could keep the secondary kitchen until they sell the house.

Responding to queries from Councilmember Friedrichs, the Director of Community Development explained the term "neighborhood conservation" land use designation as referenced in the town's Comprehensive Plan.

5. **Resolution 20-G-57, to consider Special Exception SE #20-06, 652 Stuart Court, to permit a second kitchen/accessory dwelling unit in a single-family residence in an R-10, Residential Single-Family District, Fairfax County Tax Map Number: 0162 18100017. Applicant: Daniel P Brooks. Property Owners: Daniel P Brooks and Chris Mason Palmer.**

Mayor Merkel recognized the Transportation Planner for the staff report. She stated that the Director of Community Development and the Zoning Administrator would also be available for questions on this item.

The Transportation Planner presented the staff report and PowerPoint, dated December 1, 2020, which are on file in the Town Clerk's office. This application would allow a special exception to permit an accessory dwelling unit (ADU), to include a secondary kitchen, in an existing residential single-family dwelling. He reviewed the background, location, and the applicant's proposed revisions. Staff found that the proposed accessory dwelling unit complies with the size and room limitations required by the zoning ordinance. Both property owners (applicants) meet the age requirements and one would occupy the primary dwelling unit while the other would occupy the accessory dwelling unit located on the ground level.

The zoning ordinance allows for flexibility for instances like this, when specific household circumstances create a need for an accessory dwelling unit and second kitchen for a member of the household to age in place. Based on the application which was submitted and reviewed for compliance with the aforementioned town code sections, staff believes this proposal complies with the town's zoning ordinance.

At its meeting on November 16, 2020, the Planning Commission reviewed and recommended approval of the proposed SE #20-06. Staff also recommended approval in accordance with the conditions that were presented.

There was a brief question and answer session between Mayor Merkel, the Transportation Planner, and the Zoning Administrator about what had happened and what had been permitted to occur at the property. The Zoning Administrator clarified that the final inspections or permits would not be approved without the special exception.

6. **Ordinance 20-O-63, to amend the Fiscal Year (FY) 2021 Adopted Budget which, if adopted by Town Council, will amend the budgets of the General Fund and Downtown Parking Fund.**

Mayor Merkel recognized the Director of Finance for the staff report.

The Director of Finance presented the staff report dated December 1, 2020, which is on file in the Town Clerk's office. The proposed ordinance was the second budget amendment for FY 2021 totaling approximately $3 million. The largest item was $2.8 million for the Downtown Parking Fund related to the amended comprehensive agreement between the town and Comstock. Funds from insurance recoveries and off-cycle grants were included as well. Staff is also requesting to use some of the surplus from FY 2020 (not related to CARES act funding) to help fund the mandatory Cisco telephone upgrade and popular Fall Clean Up. Staff recommended approval of the proposed resolution, as presented.

There was no discussion on this item.

GENERAL

7. **Resolution 20-G-58, of official intent to reimburse expenditures with proceeds of a borrowing.**

Mayor Merkel recognized the Director of Finance for the staff report.

The Director of Finance presented the staff report and PowerPoint dated December 1, 2020, which are on file in the Town Clerk's office. The proposed resolution would give the town the option to use the proceeds of a future borrowing to reimburse itself for expenditures paid to Comstock Herndon Venture, LC, or for other qualified expenditures related to the downtown redevelopment under the Comprehensive Agreement, as amended on November 17, 2020. This reimbursement resolution would be neither an obligation nor an authorization to issue debt related to this project. Its purpose would be to provide the town with maximum flexibility when determining the ultimate funding source(s) for this project. Staff recommended adoption of the proposed resolution, as presented.

There was brief discussion amongst Council and staff on this item.

Following brief discussion and with the concurrence of Council, staff was requested to add this item to the Consent agenda for next week's meeting.

8. **Resolution 20-G-59, Establishing the Town of Herndon's 2021 Legislative Program to advise the 2021 Virginia General Assembly on matters of legislative interest on which the Town takes a position.**

Mayor Merkel recognized the Town Attorney for the staff report.

The Town Attorney presented the staff report dated December 1, 2020, which is on file in the Town Clerk's office. The resolution would include the proposed legislative program for the town for the 2021 General Assembly Session. She explained how this had been an unusual year for many reasons, including the General Assembly's legislative action and conduct. She discussed the two sessions held in 2020, including a Special Session that started in August and lasted for nearly three months. She stated they were now only a few weeks away from the 2021 Session, which would take place mostly virtually. There was an almost historical limit on the number of bills that could be presented, which was set at seven for delegates and 12 for senators. The proposed program reflected the best interests of towns and cities based on the key issues expected to come up in General Assembly. Staff recommended approval of the proposed legislative program, as presented.

There was brief discussion amongst Council and staff on this item.

There was a brief question and answer session between Councilmember del Aguila and the Town Attorney on the program. The Town Attorney confirmed that the town had not changed its positions regarding either land use matters or state assistance to the local police, and that the town would continue to oppose restrictions on how localities fund their police departments.

Councilmember Friedrichs summarized several discussions VML had hosted about their legislative positions. She encouraged the public to visit VML's website for more information on their recommendations.

There was a brief question and answer session and discussion between Councilmember Dhakal and the Town Attorney about the state regulations surrounding proffers and workforce housing. The Town Attorney explained the laws related to proffers had changed less than five years ago and now localities could not ask an applicant for a certain thing or amount of money. She stated it was unlikely that the General Assembly would take that matter up again and return the law back to what it was prior to 2014-2016. She stated that she would be happy to discuss the details of this further with Councilmember Dhakal or any other member of Council.

Councilmember Dhakal provided comments and stated that he would like to see a position conveying the support for workforce housing issues that the Council discussed at its last public hearing.

The Town Attorney thanked Councilmember Dhakal for his questions about proffers and workforce housing. She suggested having a meeting to discuss this further with him.

The Town Attorney stated that during this General Assembly Session, the bills were very limited, and this matter may be more appropriate for next year's session.

Councilmember Dhakal stated that he talked with Delegate Samirah a few days ago, and he mentioned that if the Council showed interest in the matter Councilmember Dhakal was proposing, he could take that forward.

Mayor Merkel provided comments and stated that she agreed with the Town Attorney and stated the proffers were very complicated. She was opposed to the bill changing the proffer process when it happened, and she stated that it was worth discussing that matter further.

Councilmember del Aguila agreed with Mayor Merkel's sentiment and echoed her comments about the General Assembly being different than it was five years ago. He also shared Councilmember Dhakal's commitment to workforce housing and changing the process, even if the fight was futile. He stated he would make sure the town's delegate knew about this.

Councilmember McKenna stated that he agreed with Councilmembers del Aguila and Dhakal and that what was being asked and what should be done were separate but very important. He asked if the Council could bring up more specific matters with the town's representatives at the state and county levels.

Responding to Councilmember McKenna, the Town Attorney stated the town wanted to be prepared in its legislative program to pivot with what might come up at the General Assembly.

Councilmember McKenna encouraged those listening to review an affordable housing seminar held by the town's Planning Commission on September 5, 2018, which included some good information for moving forward.

Councilmember Friedrichs referenced a report the Town Attorney sent to Council about proffers and cash expenditures among localities and referenced the very low numbers of proffers provided for affordable and special needs housing. She echoed her colleagues' comments and support for changing the proffer process.

There was a brief question and answer session between Councilmember Friedrichs and the Town Attorney about revisiting requiring the disclosure of location in a Historic District with regard to home sales. If others agreed, Councilmember Friedrichs asked that be added to the legislative program.

Councilmember Baker stated that the town wanted more than what state law required with regard to home sales in the historic district.

Responding to the discussion, the Town Manager explained that the town had wanted something more upfront than what the current law required. He also stated that the town had tried to clear up the land records discrepancy, where the town's historic district often appeared as "no," since the county had its own historic districts. The county had since added information about checking further into historic districts if you lived in an incorporated town.

Mayor Merkel summarized that there were several Councilmembers who would like to push further into learning about proffer reform and what might be possible. She suggested that this might be an item for the next Council to take up, learn about, and be ready to propose at the next legislative session. It was her understanding that there was not a lot of capacity for bills to go forward right now and asked the Town Attorney to confirm.

The Town Attorney stated that Mayor Merkel was correct; however, she was willing to make requests to the town's legislators, if the Council knew what it wanted. She had been told that there were no exceptions to additional bills, but that could change as the session develops.

There was a brief question and answer session between the Town Attorney and Vice Mayor Olem about attempting to require the disclosure of location in a Historic District with regard to home sales.

Vice Mayor Olem stated she had heard the same as the Town Attorney about how the legislators were limited in what they could propose and with COVID, the town needed to work on putting a very strong legislative package together.

In response to queries from Mayor Merkel, the Town Attorney stated that the last day to submit bills was yesterday. She stated that the legislators would know more than her if anything additional could be done, but she did not receive any requests from Council in three communications from her office.

Councilmember del Aguila expressed disappointment and stated he was confused in what he was hearing from staff and what Councilmembers had heard from the delegate.

Mayor Merkel stated that items could be articulated to be added next week.

Councilmember del Aguila provided comments about previous Council discussions on workforce housing.

The Town Attorney stated she would like some specific direction on what was being proposed to be added to the legislative program. In years past, including last year, she has received specific direction, wording, or request for a type of bill that the Council would like to pursue.

Vice Mayor Olem stated that the Council should be working on a legislative package in advance. She stated that the Council did not have to wait for the General Assembly to work on workforce housing and has made progress in the community through zoning and other means. She stated that more information could be helpful, like through VML's seminars and other local organizations.

Mayor Merkel stated there were multiple communications from the Town Attorney about the legislative agenda, along with items like affordable housing and proffers, and she understood that no one submitted a specific item for the program. She suggested that Councilmembers del Aguila and Dhakal consider submitting language to the Town Attorney, that Council could consider adding to the legislative agenda next week. In addition, or perhaps instead of, she suggested that the next Council make diving into this issue and making it a priority. She did not think that those who opposed affordable housing were still on the Council.

Councilmember Dhakal provided further comments and asked that the work session discussion on the legislative program happen before the last day to submit bills. He stated that he believed he and Councilmember del Aguila had mentioned their interest in workforce housing. He asked that the Town Attorney now draft language to recommend or send to show the Council's interest.

The Town Attorney stated that she typically asks for Council's input to the legislative program starting in August and it is usually reviewed around October. However, due to COVID restrictions, scheduling, and the General Assembly session that went to November, she did not get the program out before now. She stated that for bills, she needed an idea of specifically what the Council wanted to change about the state law. She stated that what Council would like to do regarding workforce housing could occur, but some educational training would need to be held about how this could be done. She also stated there were certain things the town could not do without a housing authority.

Mayor Merkel stated that until October, the Council was confined to only discuss items related to the global pandemic emergency, which really delayed the legislative timeline.

Mayor Merkel implored the Councilmembers to talk with Town Attorney and provide further guidance on any addendums for next week. If not, she stated there was a plan for diving deep into this issue during the next term.

9. **Resolution, to authorize the Chief of Police to sign a Northern Virginia Critical Incident Response Team (CIRT) Memorandum of Understanding, allowing the Herndon Police Department to participate in mutual aid response to working officer-involved critical incident investigations throughout the Northern Virginia region.**

Mayor Merkel recognized the Chief of Police for the staff report.

The Chief of Police presented the staff report dated December 1, 2020, which is on file in the Town Clerk's office. She reviewed the background of the development of a Critical Incident Response Team (CIRT) by the Northern Virginia Chiefs to provide for the independent and objective investigation of law enforcement officer-involved critical incidents. She provided an overview and stated the purpose of the CIRT was to ensure thorough and objective investigation of all critical incidents and promote public confidence by mitigating concerns about potential conflicts of interest.

The Chief of Police stated this concept would be in line with current police reform demands that call for independent investigations of police use of force incidents and greater transparency of law enforcement actions. The NOVA Chiefs saw the value of this regional team in advance of the recent outcry for police reform.

The Chief of Police stated that the Herndon Police Department (HPD) was already dependent on an outside entity conducting officer-involved critical incidents due to size and limitations of investigative resources within the agency. In the past, those investigations had been conducted by the Fairfax County Police Department on request, with no formal MOU in place to guide protocols, and no guarantee of availability. By participating in the formal CIRT, all participating agencies would share investigative resources with outlined and agreed upon procedures that would guide these investigations across the region. Investigators and supervisors assigned to the CIRT would also gain valuable investigative experience and skills that could be applied to investigations they are assigned to work throughout the community.

The CIRT MOU was developed with input from law enforcement subject matter experts and chiefs, jurisdictional attorneys, and commonwealth attorneys in each of the participating jurisdictions. Jurisdictions in the region that were not currently participating would have the option of joining in the future. They had an expected start date of early Spring 2021.

The Chief of Police noted that the City of Alexandria had pulled out temporarily, and Fairfax County had chosen not to participate. She felt comfortable with the number of jurisdictions and expertise currently on board. Staff recommended approval of this item.

Responding to queries from Vice Mayor Olem, the Chief of Police stated the former arrangement with Fairfax County was not good enough and this would give her control over communicating and releasing information. She stated the actual investigation would be looked at independently.

Councilmember Friedrichs asked about cost and payment of officers who do investigations. The Chief of Police clarified this was a personnel cost and that a maximum of two to three people from Herndon would be on this team. The Chief of Police confirmed that information would stay with the original jurisdiction and all requests for information would go through the agency where the incident occurred.

In response to further queries from Councilmember Friedrichs, the Chief of Police stated the same protections apply to officers and there would always be an internal affairs investigation in addition to the criminal investigation. The Chief of Police provided further information about how they would control information but not the investigation.

Responding to queries from Councilmember del Aguila, the Chief of Police confirmed that Fairfax County would still help HPD as needed. She further discussed the value of having Fairfax County be a part of the team.

Mayor Merkel and the Chief of Police had a brief discussion about how Fairfax County and other jurisdictions might be added in the future. Mayor Merkel provided brief further comments.

10. **Resolution 20-G-60, to authorize project applications to the Northern Virginia Transportation Authority (NVTA) for Regional Surface Transportation Program / Congestion Mitigation-Air Quality (RSTP/CMAQ) funding for Fiscal Year 2027 and to endorse the town's transportation projects included in VDOT's FY2021-2026 Six-Year Improvement Program.**

Mayor Merkel recognized the Transportation Program Manager for the staff report.

The Transportation Program Manager presented the staff report and PowerPoint dated December 1, 2020, which are on file in the Town Clerk's office. He discussed the RSTP and CMAQ Proposed Projects of Sterling Road Multimodal Improvements and Herndon Metrorail Intermodal Access Improvements—Phase II locations, funding sources, and requests. Staff recommended approval, as presented.

There was a brief question and answer session between Councilmember Friedrichs and the Transportation Program Manager about capacity improvements and reducing congestion.

Mayor Merkel confirmed with the Transportation Program Manager that this project was in the CIP.

Following brief discussion and with the concurrence of Council, staff was requested to add this item to the Consent agenda for next week's meeting.

11. **Resolution 20-G-63, to authorize the Town Manager to sign a second Federal Subaward Agreement between the Town and Fairfax County for the use of additional Coronavirus Aid, Relief, and Economic Security (CARES) funds under the Commonwealth of Virginia's Municipal Utility Relief Program.**

Mayor Merkel recognized the Director of Finance for the staff report dated December 1, 2020 which is on file in the Town Clerk's office.

The Director of Finance stated the town received a memorandum from the Commonwealth of Virginia's Department of Housing and Community Development informing municipal utilities of a COVID-19 Municipal Utility Relief Program for utility customers with accounts that are 30 or 60 plus days past due as of October 31, 2020. The goal of this program was to assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic. The deadline to apply for funds to cover these arrearages was November 30, 2020; awards could be disbursed as early as December 7, 2020. The town would need to partner with Fairfax County to have them act as its fiscal agent to receive funds, if awarded, through the Commonwealth's Department of Accounts.

The town sent this information to Fairfax County on November 19, 2020 and expressed interest in participating in the program. Staff requests that the Town Council authorize the Town Manager to sign this second Federal Subaward Agreement when available and to accept the additional CARES funding for the municipal utility relief if awarded. The fiscal impact on the Water and Sewer Fund was not expected to exceed $100,000. Staff recommended that the Mayor and Town Council adopt the attached resolution, as presented.

Councilmember Friedrichs asked if the customers would become responsible for paying this back, and the Director of Finance stated she did not think so.

Following brief discussion and with the concurrence of Council, staff was requested to add this item to the Consent agenda for next week's meeting.

CONSENT AGENDA

12. **Resolution, to award Contract IFB #21-04, HVAC Preventative Maintenance Services;**

13. **Resolution 20-G-61, to ratify a Second Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed for the Town's use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes;**

14. **Resolution 20-G-62, to ratify a Second Extension of Contract pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and The Fitzgerald Law Group, PLC for prosecutorial services.**

There was no discussion on the Consent agenda.

ROUNDTABLE

1. **Councilmember Friedrichs:** Councilmember Friedrichs asked about having interns do work such as mapping information and canvassing for the town. The Town Manager stated it was his understanding that if the intern was doing anything valuable for the town they would need to be paid. The Town Attorney concurred.

   In response to Councilmember Friedrichs further queries, the Town Manager stated the town has used interns in the past. He stated at that time, due to COVID-19, there was a hold on this type of employment, but they could look into it in the future.

   Councilmember Friedrichs provided further comments about possible work for interns to figure out what the target number of affordable housing units should be. Councilmember Friedrichs also congratulated Mayor Merkel on leadership awards she had been given.

2. **Vice Mayor:** Provided comments about this time of year in normal times. She told future Council she was in town for the month of December except for when she would be attending a wedding. She was looking forward to the new year.

3. **Mayor Merkel:** Stated it was bittersweet this was their last work session together.

December 1, 2020
(work session)

15. ADJOURNMENT

On motion of Vice Mayor Olem, seconded by Councilmember Baker, and carried by unanimous roll call vote by electronic means, the meeting of the December 1, 2020 work session was adjourned at 9:25 p.m. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem, and Mayor Merkel voting "Aye."

Lisa C. Merkel
Mayor

TOWN OF HERNDON, VIRGINIA 1879

Jessica Sizemore
Legislative Assistant

Minutes approved by Town Council: December 8, 2020.

NOTE:

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